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Oceans and the law of the sea

Identical letters dated 15 November 2006 from the representatives of Indonesia, Malaysia and Singapore to the United Nations addressed to the Secretary-General and the President of the General Assembly

1. We have the honour to inform you that the Government of Malaysia, the Government of the Republic of Indonesia and the Government of the Republic of Singapore, with the close collaboration of the International Maritime Organization, convened a "Meeting on the Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection" in Kuala Lumpur from 18 to 20 September 2006. The Meeting was a continuation of a similar meeting, held in Jakarta on 7 and 8 September 2005, which provided an avenue for engagement between littoral States and other interested parties on matters relating to the safety, security and environmental protection of the Straits of Malacca and Singapore, while respecting the sovereignty and territorial integrity of the littoral States.

2. The Kuala Lumpur Meeting focused discussions on the establishment of a framework of cooperation to develop mechanisms and programmes to facilitate cooperation in keeping the Straits safe and open to navigation, including the possible options for burden-sharing. Six projects, as identified by the littoral States, were presented at the Kuala Lumpur Meeting to meet this objective. The Meeting produced the Kuala Lumpur Statement (see annex), which emphasizes the need to continue supporting the work of the Tripartite Technical Experts Group on Safety of Navigation in enhancing the safety of navigation and protection of the marine environment of the Straits as well as the proposed cooperative mechanism presented by the littoral States to promote dialogue and close cooperation between the littoral States, user States, shipping industry and other stakeholders, on safety of navigation and environmental protection.

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3. We would be grateful if you would have the present letter and its annex circulated as a document of the General Assembly under agenda item 71 (a) and treat it as a source of inputs into the discussion of the agenda item.

(*Signed*) Raja Nushirwan **Zainal Abidin**
Chargé d'affaires a.i.
Malaysia

(*Signed*) Rezlan Ishar **Jenie**
Ambassador and Permanent Representative
Republic of Indonesia

(*Signed*) Kevin **Cheok**
Chargé d'affaires a.i.
Republic of Singapore

Annex to the identical letters dated 15 November 2006 from the representatives of Indonesia, Malaysia and Singapore to the United Nations addressed to the Secretary-General and the President of the General Assembly

Kuala Lumpur Statement on enhancement of safety, security and environmental protection in the Straits of Malacca and Singapore

Kuala Lumpur, 20 September 2006

The Government of Malaysia and the International Maritime Organization (hereinafter referred to as "IMO") convened, pursuant to the decisions of the Meeting on enhancement of safety, security and environmental protection in the Straits of Malacca and Singapore held in Jakarta, Indonesia on 7 and 8 September 2005 (hereinafter referred to as "the Jakarta Meeting") and the twenty-third extraordinary session of the Council of the IMO in relation to the Protection of Vital Shipping Lanes, a Meeting on the Straits of Malacca and Singapore: Enhancing Safety, Security and Environmental Protection, which took place in Kuala Lumpur from 18 to 20 September 2006 (hereinafter referred to as "the Kuala Lumpur Meeting"). The Kuala Lumpur Meeting was organized in co-operation with the Government of the Republic of Indonesia and the Government of the Republic of Singapore.

The purpose of the Kuala Lumpur Meeting was to provide an opportunity for further discussions on the recent developments relating to safety, security and environmental protection of the Straits of Malacca and Singapore (hereinafter referred to as "the Straits") with the aim of developing mechanisms and programmes to facilitate co-operation in keeping the Straits safe and open to navigation, including the possible options for burden sharing.

The Kuala Lumpur Meeting was attended by the three littoral States: Indonesia, Malaysia and Singapore and by delegations from:

AUSTRALIA
BAHAMAS
BELGIUM
BRUNEI DARUSSALAM
CHINA
CYPRUS
DENMARK
EGYPT
FINLAND
FRANCE
GERMANY
GREECE
INDIA
JAPAN
LIBERIA
NETHERLANDS
NEW ZEALAND
NIGERIA
NORWAY
PAKISTAN
PHILIPPINES
REPUBLIC OF KOREA
RUSSIAN FEDERATION
SPAIN
SWEDEN
THAILAND
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
UNITED STATES

by observers from the following intergovernmental organizations:

ASSOCIATION OF SOUTH EAST ASIAN NATIONS (ASEAN)

and by observers from the following non-governmental organizations:

INTERNATIONAL CHAMBER OF SHIPPING (ICS)
INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)
INTERNATIONAL ASSOCIATION OF MARINE AIDS TO NAVIGATION AND LIGHTHOUSE AUTHORITIES (IALA)
BIMCO
OIL COMPANIES INTERNATIONAL MARINE FORUM (OCIMF)
INTERNATIONAL FEDERATION OF SHIPMASTER'S ASSOCIATIONS (IFSMA)
INTERNATIONAL ASSOCIATION OF INDEPENDENT TANKER OWNERS (INTERTANKO)
INTERNATIONAL PARCEL TANKERS ASSOCIATION (IPTA)
MALACCA STRAIT COUNCIL

The Kuala Lumpur Meeting,

UPHOLDING the Batam Joint Statement, adopted on 2 August 2005 by the Fourth Tripartite Ministerial Meeting of the Littoral States on the Straits of Malacca and Singapore,

RECALLING the achievements of the Jakarta Meeting and upholding also the Jakarta Statement, adopted on 8 September 2005 by the Jakarta Meeting,

RECALLING ALSO that the Straits are located within the territorial sea of Indonesia, Malaysia and Singapore (hereinafter referred to collectively as the "littoral States") and within the continental shelf and the exclusive economic zone of Malaysia and Indonesia and are straits used for international navigation as defined in the United Nations Convention on the Law of the Sea (hereinafter referred to as "UNCLOS"),

RECOGNIZING the continued strategic importance of the Straits for regional and global seaborne trade and the need to ensure that they remain safe and open to shipping at all times,

RECOGNIZING ALSO the importance of enhancing safety and security and protection of the marine environment of the Straits and the possibility that unlawful acts committed therein may have negative impact on the flow of traffic there-through,

RECOGNIZING FURTHER the equally important role of the Straits in contributing towards the development and enrichment of the economies and people of other States,

AFFIRMING the sovereignty, sovereign rights, jurisdiction and territorial integrity of the littoral States over the Straits, as provided for under international law, in particular UNCLOS, and that

the primary responsibility over the safety of navigation, environmental protection and maritime security in the Straits lies with the littoral States,

COMMENDING the sustained efforts and achievements of the Tripartite Technical Experts Group on Safety of Navigation (hereinafter referred to as "TTEG on Safety of Navigation") in enhancing safety of navigation and protection of the marine environment in the Straits,

ACKNOWLEDGING the role of the IMO, the user States, the shipping industry and of others stakeholders in co-operating with the littoral States in promoting and enhancing safety of navigation and environmental protection, and in ensuring the uninterrupted flow of traffic in the Straits,

ACKNOWLEDGING ALSO that the TTEG on Safety of Navigation is an effective mechanism for advancing future co-operation efforts among interested parties consonant with article 43 of UNCLOS,

WELCOMING the progress made in relation to the implementation of the Marine Electronic Highway Demonstration Project for the Straits of Malacca and Singapore developed by IMO in co-operation with the littoral States and funded by the Global Environmental Facility of the World Bank and the Republic of Korea,

COMMENDING the significant and effective efforts of the littoral States since the Jakarta Meeting in enhancing safety of navigation, environmental protection and security in the Straits, in particular to reduce the number of shipping incidents, oil spill incidents from ships, and armed robbery and other unlawful acts against ships to a very low level,

COMMENDING ALSO the significant progress, following the Jakarta Meeting, towards the establishment of the co-operative mechanism between littoral States and user States, the shipping industry and others to facilitate regular discussion, exchange of information and co-operation including .e possible option for burden sharing for the enhancement of safety of navigation and environmental protection in the Straits,

COMMENDING FURTHER the joint efforts of the armed forces of the littoral States in contributing to the security of the Straits, through the Malacca Straits Coordinated Patrols and the "Eyes in the Sky" maritime patrols,

NOTING WITH APPRECIATION the entry into force of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (hereinafter referred to as "ReCAAP") on 4 September 2006, which will lead to the launch of the ReCAAP Information Sharing Centre (hereinafter referred to as "the Centre") in Singapore in November 2006, as well as the indication of preparedness of Indonesia and Malaysia to cooperate with the Centre,

NOTING ALSO the continuing efforts to establish the Tripartite Technical Experts Group on Maritime Security,

NOTING WITH APPRECIATION the contribution States and other stakeholders have made and continue to make towards the enhancement of the safety of navigation in, and the protection of the environment of, the Straits,

NOTING ALSO that the littoral States have identified a number of projects aimed at enhancing the safety of navigation and environmental protection in the Straits for which they are seeking cooperation from user States and other stakeholders for their implementation,

DESIRING that the Straits remains safe and open to international shipping at all times, in accordance with international law, in particular UNCLOS, and where applicable domestic law, and to build upon and enhance existing cooperative arrangements and measures towards this end,

DESIRING FURTHER to continue to enhance the safety, security and environmental protection of the Straits,

HAS AGREED:

(a) that the work of the TTEG on Safety of Navigation, in enhancing the safety of navigation and in protecting the marine environment in the Straits, should continue to be supported and encouraged;

(b) to support the continuous efforts of the littoral States and the proposed cooperative mechanism as presented by the littoral States on safety of navigation and environmental protection, which is to promote dialogue and facilitate close cooperation between the littoral States, user States, shipping industry and other stakeholders;

(c) that the projects presented[1] at the Kuala Lumpur Meeting for enhancing safety of navigation and environmental protection should be supported;

(d) that the littoral States, user States, the shipping industry and other stakeholders should co-operate towards the establishment of a mechanism for voluntary funding the above projects and the maintenance and renewal of the aids to navigation in the Straits;

(e) that the littoral States should continue their efforts towards enhancing maritime security in the Straits,

HAS INVITED the IMO:

(a) to continue to co-operate with the littoral States and to provide every assistance possible in attracting sponsors for the agreed projects and contributors for the maintenance, repair and replacement of the aids to navigation in the Straits;

[1] Refer to IMO-KUL 1/3

(b) to consider, in consultation with the littoral States, convening further follow-on meetings for the littoral States to identify and prioritize specific needs, and for user States to identify possible assistance and to respond to those specific needs, which may include provision of resources, capacity building, training and technical support, with a view to promote further co-operative measures including possible options for burden sharing.

EXPRESSED DEEP APPRECIATION to the Government of Malaysia for the excellent arrangements made for, the facilities and generous hospitality provided during the Kuala Lumpur Meeting; and to the Governments of the Republic of Indonesia, Malaysia and the Republic of Singapore and the International Maritime Organization for their diligent efforts to prepare for the Kuala Lumpur Meeting and ensure its successful conclusion.